

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS  
FOR THE CITY OF SAINT PAUL, MINNESOTA

In the Matter of the Currency Exchange  
License Application of Capitol City Check  
Cashing, 477 Rice Street, Saint Paul, MN  
55103.

FINDINGS OF FACT  
CONCLUSIONS OF LAW  
AND RECOMMENDATION

The above-entitled matter came on for hearing before Administrative Law Judge Jon L. Lunde commencing at 9:30 a.m. on November 13, 1995 at the Ramsey County Courthouse in St. Paul, Minnesota. The record closed at the conclusion of the scheduled hearing.

Janet Reiter, Assistant City Attorney, City of St. Paul, Civil Division, 400 City Hall, 15 West Kellogg Boulevard, St. Paul, MN 55102, appeared on behalf of the City of St. Paul (City). Accompanying her was Troy Gilbertson, a license enforcement auditor for the City's Office of License, Inspections and Environmental Protection (LIEP). Terrence J. Magill and Jeffrey Bearth, 477 Rice Street, St. Paul, MN 55103, appeared on behalf of Capitol City Check Cashing (Applicant).

This Report is a recommendation not a final decision. The St. Paul City Council will make a final decision after reviewing the record and may accept, reject, or modify the Findings, Conclusions and Recommendations contained herein. Pursuant to Section 310.05 (c-1) of the St. Paul Legislative Code, the City Council shall, after receiving this Report, provide an opportunity to any person adversely affected to present oral or written arguments to the Council. The parties should contact Nancy Anderson, Council Secretary, 310 City Hall, St. Paul, MN 55102, to ascertain the procedure for filing exceptions or presenting argument.

STATEMENT OF ISSUE

The issue in this case is whether any grounds exist for denying the Applicant's application for renewal of its currency exchange license under Minn. Stat. § 53A.04 (a) (1994).

Based upon all of the proceedings herein, the Administrative Law Judge makes the following:

FINDINGS OF FACT

1. The Applicant is currently licensed to operate a currency exchange at 477 Rice Street in St. Paul, Minnesota.

2. On October 4, 1995 after the Applicant had submitted an application for license renewal to the Commissioner of Commerce, the City was notified of the renewal application.

3. On October 24, 1995 Terrence J. Magill and Jeffrey Bearth, who jointly own Capitol City Check Cashing (Capitol City), were mailed written notice of a hearing on Capitol City's application to continue operating a currency exchange. Ex. 2. Notice was mailed to them by United States mail as appears from the affidavit of service on file herein. Ex. 2.

4. On October 24, 1995 written notice of the application and of a public hearing to be held November 13, 1995 were sent to interested persons. Ex. 4.

5. On October 26, 1995 written notice of the November 13, 1995 public hearing was published in the St. Paul Legal Ledger. Ex. 5.

6. At the hearing on November 13, 1995 neither the City nor any interested persons objected to the Applicant's license application.

Based upon the foregoing Findings of Fact, the Administrative Law Judge makes the following:

### CONCLUSIONS

1. The St. Paul City Council and the Administrative Law Judge have authority to consider the issues raised by the City's notice of public hearing under Minn. Stat. §§ 14.55 and 53.04 (a) (1994) and § 310.05 of the St. Paul Legislative Code.

2. The City gave proper and timely notice of the hearing to the license Applicant and interested persons in full compliance with the requirements of Minn. Stat. § 53A.04 (a) (1994).

3. The City has complied with all relevant, substantive and procedural requirements of statute and ordinance.

4. Minn. Stat. § 53A.04 regulates the approval or denial of applications for currency exchange licenses.

5. The Applicant has complied fully with all relevant licensing requirements and no grounds for license denial were shown to exist.

6. No members of the public opposed the Applicant's application for licensure or showed that licensure should be denied under the criteria in § 381.03 (b) of the St. Paul Legislative Code.

7. Under § 381.02 (c) of the St. Paul Legislative Code, the Applicant must reimburse the City for the costs incurred in conducting this proceeding.

Based upon the foregoing Conclusions, the Administrative Law Judge makes the following:

RECOMMENDATION

IT IS HEREBY RECOMMENDED: That the St. Paul City Council approve the Applicant's currency exchange license and bill the Applicant for the costs of conducting this proceeding.

Dated this 15th day of November, 1995

/s/

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JON L. LUNDE

Administrative Law Judge

Reported: Taped, 1 Tape

NOTICE

It is requested that the City's final decision be served upon the Applicant and the Administrative Law Judge by first class mail.

JLL